

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND	)	DOCKET UE-070804
TRANSPORTATION COMMISSION,	)	
	)	and
Complainant,	)	
	)	DOCKET UG-070805
v.	)	<i>(consolidated)</i>
	)	
AVISTA CORPORATION d/b/a	)	
AVISTA UTILITIES,	)	
	)	
Respondent.	)	
	)	
.....	)	
	)	
In the Matter of the Petition of	)	DOCKET UE-070311
	)	<i>(consolidated)</i>
AVISTA CORPORATION d/b/a	)	
AVISTA UTILITIES,	)	ORDER 04
	)	
For an Accounting Order Regarding the	)	DENYING MOTION FOR
Appropriate Treatment of the Net Costs	)	CLARIFICATION
Associated with the Repurchase of Debt	)	
	)	
.....	)	

**MEMORANDUM**

*1*     **PROCEEDINGS.** On April 26, 2007, Avista Corporation d/b/a Avista Utilities (Avista) filed with the Washington Utilities and Transportation Commission (Commission) certain tariff revisions designed to effect general rate increases for electric service (Docket UE-070804) and gas service (Docket UG-070805) in the state of Washington. On February 14, 2007, Avista filed with the Commission a petition seeking an Accounting Order under WAC 480-07-370(b)(i) requesting retroactive approval to account for certain debt repurchase costs in a manner that deviated from the Commission's rules (Docket UE-070311). On May 3, 2007, the Commission

entered Order 01 consolidating Docket UE-070311 with Dockets UE-070804 and UG-070805 for hearing and determination pursuant to WAC 480-07-320.

- 2     **CONFERENCE.** Administrative Law Judge Dennis J. Moss presided at a prehearing conference in this proceeding at Olympia, Washington on May 23, 2007. The Commission entered Order 02, its first prehearing conference order, on May 30, 2007. In Order 02, the Commission established a procedural schedule including dates for prefilings testimony and exhibits and hearing dates for taking public comments and presenting evidence.
- 3     **MOTION.** On June 6, 2007, Public Counsel filed a motion styled “Request for Clarification of Prehearing Conference Order.” Public Counsel contends Order 02 “inadvertently creates the impression that the parties agreed on a single [public comment] hearing in Spokane” when, in fact, Public Counsel requested two public comment hearings, one in Spokane and a second in either Colville or in the Pullman/Colfax area. Public Counsel requests that Order 02 be clarified to reflect that the parties did not stipulate on the issue of the single hearing location.
- 4     **DISCUSSION AND DETERMINATION.** An agreement among the parties in a proceeding to a proposed schedule is not binding on the Commission. The purpose of the prehearing order entered following the first prehearing conference is to memorialize the Commission’s determinations concerning the process and the procedural schedule that will govern the conduct of a proceeding, taking into account the parties’ recommendations.
- 5     The Commission adopted a schedule in this proceeding that included the specific dates agreed to by the parties for filing testimony and other matters. As to the public comment hearing date, Public Counsel at the conference suggested two hearing sessions, a range of dates, a time of day, and several possible locations. The presiding officer stated that he would consult with the Commissioners and communicate to the parties their decisions concerning the number, location, date(s) and time for public comments to be taken. The Commission’s decision, stated in Order 02, was to hold one public comment hearing session in Spokane on October 2, 2007, beginning at 7:00 p.m. The date, time and location all are within the compass of Public Counsel’s

recommendations, which were made at the prehearing conference without objection from other parties.

- 6 Public Counsel's Request for Clarification seeks express recognition in a Commission order for his recommendation for an additional public comment hearing that was not accepted by the Commission. The details of Public Counsel's colloquy with the presiding officer on this subject are neither necessary nor appropriate for inclusion in a prehearing conference order. A completely satisfactory record of Public Counsel's full recommendation exists in the transcript of the prehearing conference (at page 7, line 20, through page 8, line 13 and again at page 12, line 24 through page 13, line 10).
- 7 In sum, the schedule adopted by the Commission is clear and requires no further explanation. It is entirely consistent with what the parties agreed and proposed even though it did not adopt all of their recommendations for process. Public Counsel has not established a substantial reason for the Commission to clarify Order 02. His request should be denied.

**ORDER**

- 8 Public Counsel's Request for Clarification of Prehearing Conference Order is denied.

Dated at Olympia, Washington, and effective June 22, 2007.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DENNIS J. MOSS  
Administrative Law Judge